UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,816	04/30/2001	Jacob McGuire	033048-061	9954

21839 7590 11/02/2006		

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EXAMINER
AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/843,816	MCGUIRE, JACOB
	Examiner	Art Unit	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on·the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 February 2006_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23_ is/are rejected.

7)☐ Claim(s) _____ is/are· objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of·the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1. This application has been assigned to a new examiner. Updated contact information can be found below in the conclusion section.

2. Claims 1-23 remain pending.

3. In view of the Appeal Brief filed on 15 February 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

   To avoid abandonment of the application, appellant must exercise one of the following two options:

   (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

   (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

   A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

   A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 4, 10-12, 15 and 21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Merchant et al. (US 2002/0128815 A1), hereinafter referred to as

Merchant.

6.   Regarding claims 1 and 12, Merchant discloses a uniform interface for

configuring and managing a plurality of different types of network devices, comprising:

a library containing generic commands that can be applied to said network

devices (page 2, paragraph 0028, lines 3-10; Merchant teaches storage of device

independent commands and device specific commands.);

a plurality of plug-in modules that can register with said library, each of said

modules operating to convert at least some of said generic commands into device-

specific commands and transmit said device-specific commands to remote individual

devices of a type that are associated with the module (p. 3, para. 0044; Merchant

teaches device-independent modules that translate device related independent

commands into device specific commands.).

7.   Regarding claims 4 and 15, Merchant discloses the system wherein one of said

generic commands establishes a connection to a network device through which

configuration commands can be sent and information can be retrieved (p. 2, para. 29

and para. 31; Merchant teaches the sending of configuration signals and the querying

for configuration information.).

8.   Regarding claim 10, Merchant discloses the system wherein said library is

responsive to the receipt of a command for a given device to determine the module that

corresponds to said device and provide the received command to said module (p. 3,

para. 0044).

9.   Regarding claims 11 and 21, Merchant discloses the system wherein said

modules convert responses received from the individual devices with which they are

associated into a generic format for presentation to said library (p. 4, para. 0046).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 2, 3, 5, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Merchant.

12.   Regarding claims 2, 3, 13 and 14, Merchant teaches the use of a

communications network but does not explicitly detail "plug-in modules transmit each of

said commands in accordance with a transmission protocol specific to the individual

devices, respectively" and further "wherein one of said transmission protocols

comprises Telnet". However, Official Notice is taken that the use of specific

transmission protocols, including Telnet, was old and well known in the art. It would

have been obvious to one of ordinary skill at the time of the applicant's invention to

utilize a specific transmission protocol, for example Telnet, in order for network communication to be possible.

13.   Regarding claims 5 and 16, Merchant teaches the system as claimed in claim 1 but does not clearly recite one of the generic commands retrieving the current configuration of a network device by executing appropriate commands on the device. Merchant however does teach the ability in paragraph 31 on page 2 the querying and reception of the current configuration device and therefore the claimed step of utilizing a generic command is deemed an obvious variation because Merchant's teaching is within the scope of the claim, therefore one of ordinary skill would have been motivated to perform this step utilizing a generic command.

14.   Claims 6-9, 17-20, 22 and 23 are rejected under 35 USC 103(a) as being unpatentable over Merchant in view of Rangachar (US 6,301,252 B1).

15.   Regarding clams 6 and 17, Merchant teaches the system as claimed in claim 1 including the querying of configuration information with respect to the network device that is queried (para. 0032) but does not clearly teach the step to "render configuration information suitable for storage and saves it to a local file system". However, in related art, Rangachar teaches in a similar environment wherein generic commands are utllized and translated into a device specific command a generic command can be created which retrieves the configuration information with respect to a network device and this information is stored in a centralized control and management storage wherein the centralized control and management location stores the "state" of the network device (col. 7, ll. 5-22). One of ordinary skill in the art at the time of the applicant's invention

would have found it obvious to combine the teachings of Merchant with the teachings of Rangachar. One of ordinary skill would have been motivated to make such a combination wherein it is taught by Rangachar to within a system wherein generic commands are utilized, it is beneficial to further enhance network reliability and interoperability of switches and have further control over network switches (col. 4, ll. 18-24).

16.   Regarding clams 7 and 18, Merchant teaches the system as claimed in claim 1 including the creation of generic commands (para. 0044) but does not clearly teach the step to "put a device into a mode where it can accept configuration commands through an established connection at an enabled level". However, in related art, Rangachar teaches in a similar environment wherein generic commands are utilized and translated into a device specific command a generic command can be created which can control and make modifications to a network switch. Rangachar teaches the controlling and management of network switches (col. 4, ll. 58-62. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Merchant with the teachings of Rangachar. One of ordinary skill would have been motivated to make such a combination wherein it is taught by Rangachar to within a system wherein generic commands are utilized, it is beneficial to further enhance network reliability and interoperability of switches and have further control over network switches (col. 4, ll. 18-24).

17.   Regarding clams 8 and 19, Merchant teaches the system as claimed in claim 1 including the creation of generic commands (para. 0044) but does not clearly teach the

step "wherein one of said generic commands gives a device a complete configuration

based on information from a stored configuration file". However, in related art,

Rangachar teaches in a similar environment wherein generic commands are utilized

and translated into a device specific command a generic command can be created

which can control and make modifications to a network switch. Rangachar teaches the

controlling and management of network switches (col. 4, ll. 58-62. One of ordinary skill

in the art at the time of the applicant's invention would have found it obvious to combine

the teachings of Merchant with the teachings of Rangachar. One of ordinary skill would

have been motivated to make such a combination wherein it is taught by Rangachar to

within a system wherein generic commands are utilized, it is beneficial to further

enhance network reliability and interoperability of switches and have further control over

network switches (col. 4, ll. 18-24).

18.   Regarding clams 9 and 20, Merchant teaches the system as claimed in claim 1

including the creation of generic commands (para. 0044) but does not clearly teach the

step to "put a device into its most privileged level through an established connection to

the device". However, in related art, Rangachar teaches in a similar environment

wherein generic commands are utilized and translated into a device specific command a

generic command can be created which can control and make modifications to a

network switch. Rangachar teaches the controlling and management of network

switches (col. 4, ll. 58-62). One of ordinary skill in the art at the time of the applicant's

invention would have found it obvious to combine the teachings of Merchant with the

teachings of Rangachar. One of ordinary skill would have been motivated to make such

a combination wherein it is taught by Rangachar to within a system wherein generic

commands are utilized, it is beneficial to further enhance network reliability and

interoperability of switches and have further control over network switches (col. 4, ll. 18-

24).

19.   Regarding claims 22 and 23, Merchant teaches the utilization of network devices

but does not explicitly teach the network devices being from a group consisting of

switches, firewalls, routers and load balancers. However, in related art, Rangachar

teaches the management of network switches (col. 4, ll. 5-11). One of ordinary skill in

the art would have found it obvious to utilize the teachings of Merchant for the control of

different network devices like switches, firewalls, routers and load balancers. One of

ordinary skill would have been motivated because these are common network devices

as taught by Rangachar.

Response to Arguments

20.   Applicant's arguments with respect to claims 1-23 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

21.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Gonda et al. (US 6,662,221 B1) teaches an integrated network and service

     management with automated flow through configuration and provisioning of

     virtual private networks.

Maltz et al. (US 2002/0143927 A1) teaches a method and system for configuring a

network element in a computer network.

Wheeler et al. (US 7,047,526 B1) teaches a generic command interface for multiple

executable routines.

Parker (US 5,822,520) teaches a method and apparatus for building network test

packets.

Jacobson et al. (US 6,426,959 B1) teaches a system and method for facilitating

component management in a multiple vendor satellite communications network.

Paul (US 2002/0147797 A1) teaches discovery and configuration of network attached
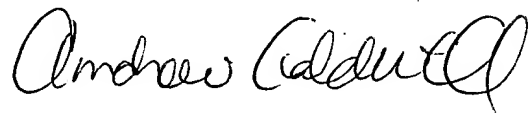
storage devices.

Belknap et al. (US 6,516,356 B1) teaches an application interface to a media server and

a method of implementing the same.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-

3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

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RY PATENT EXAMINER